

APPEAL NO. 041314
FILED JULY 13, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on April 30, 2004. The hearing officer determined that the respondent (claimant) sustained a compensable injury on _____; that the injury did not arise out of an act of a third person intended to injure the claimant because of a personal reason and not directed at the claimant as an employee or because of the employment; that the injury was not caused by the claimant's willful attempt to unlawfully injure another person; that the compensable injury extends to and includes the claimant's head, cervical injury, cognitive deficits, linguistic deficits, and a psychological disorder; that the compensable injury does not extend to or include a lumbar injury, prostate condition, and erectile dysfunction; and that the claimant has had disability since October 5, 1999. The appellant (carrier) appealed the hearing officer's determinations regarding compensability, extent of injury, and disability, asserting that it should be relieved from liability pursuant to Sections 406.032(1)(B) and 406.032(1)(C). The claimant responded, urging affirmance. The hearing officer's determination that the compensable injury does not extend to or include a lumbar injury, prostate condition, and erectile dysfunction has not been appealed and has become final. Section 410.169.

DECISION

Affirmed.

The hearing officer did not err in reaching the complained-of determinations. The disputed issues all involved questions of fact for the hearing officer to resolve. That includes the determinations as to whether the injury was caused by the claimant's willful intent to unlawfully injure another person, or arose out of an act of a third person intended to injure the claimant because of a personal reason and not directed at the claimant as an employee or because of the employment. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence, including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). In view of the evidence presented, we cannot conclude that the hearing officer's determinations are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **ROYAL INDEMNITY COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
701 BRAZOS STREET, SUITE 1050
AUSTIN, TEXAS 78701.**

Daniel R. Barry
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Margaret L. Turner
Appeals Judge